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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 20th June 2005

No. 5136—li/1(BH)-18/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th April 2005 in Industrial Dispute Case No. 68 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of Shri Janardan Sahoo, Contractor of Orissa Poly Fibres Limited, Dhenkanal and its workmen Shri Akhaya Mallick and 2 others represented through the President, Orissa Synthetics Shramik Sangha, Mahavir Bazar, Dhenkanal was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 68 OF 2003
Dated the 19th April 2005

Present :

Shri G. N. Patra, LL. B.
Presiding Officer, Labour Court,
Sambalpur.

Between :

- | | |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| The Management of | .. First Party—Management |
| 1. Shri Janardan Sahoo, Contractor
At Sudhadiha Kateni, P.O. Baulpur
Dist. Dhenkanal. | |
| 2. The Chief Executive
Orissa Poly Fibres Limited
At Lakshminagar, P.O. Baulpur
Dist. Dhenkanal. | |

And

Its Workmen	..	Second Party—Workmen
Shri Akhaya Mallick & 2 others		
C/o. President, Orissa Synthetics		
Sramik Sangh, At Mahavir Bazar,		
P.O./Dist. Dhenkanal.		

Appearances :

For the First Party—Management-1	..	Self
& Management-2.	..	Shri J. P. Jena
		Authorised Representative
<hr/>		
For the Second Party—Workman	..	The President O. S. S.
		Sangha, Dhenkanal.

AWARD

This is a reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947, vide memo No. 10750(6), dated the 10th November 2003 for adjudication as to whether the termination of services of Shri Akhaya Mallick, Shri Manoj Rout and Lokanath Rout contract Labourer with effect from the 31st December 2002 by Shri Janardan Sahoo, Contractor of Orissa Poly Fibres Limited, At Lakshminagar, P.O. Baulpur, Dist. Dhenkanal is legal and or justified ? If not what relief they are entitled to ?”

2. After receipt of the reference, Shri Bharat Sahu President, Orissa Synthetics Shramik Sangha, Dhenkanal filed statement of claim on behalf of the second party workman. Thereafter the first party managements were asked to file their respective written statements. But the first party management No. 1, instead of filing written statement, filed a joint petition on the 10th March 2005 signed by both the parties i.e. Management No. 1 and the second party workman along with a xerox copy of memorandum of settlement, dated the 14th November 2003 arrived at by them and prayed to pass a No dispute Award. The first party Management No. 2 also filed a petition to pass No Dispute Award on the grounds that the parties to the dispute under the reference have already settled the dispute. Therefore, the matter was posted to the 2nd April 2005 for hearing on the petitions and notice was issued by Registered Post with A. D. to the second party's union who remained absent after filing of statement of claim. The second party's Union did not appear in the Court inspite of receipt of notice sent under Registered Post nor took any step. However, to give a further chance to the second party, the case was further posted to the 18th April 2005 for hearing of the said petitions, but even on the said date i.e. on the 18th April 2005 although the first party management appeared, the second party Union did not appear. The petitions are, therefore, heard on that date in absence of the second party workman. The first party management No. 1 filed the original memorandum of settlement dated the 14th November 2003 in the Court. I have gone through settlement

which appears to be quite proper and reasonable. In view of the above bipartite settlement of the dispute, the present reference made by the State Government for adjudication of the said dispute becomes redundant. Accordingly "No Dispute Award" is hereby passed in respect of the dispute under reference.

Dictated and corrected by me.

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government